

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Charles Daniels,

Petitioner,

v.

**Warden, Madison
Correctional Institution,**

Respondent.

Case No. 2:17-cv-37

Judge Michael H. Watson

Magistrate Judge Elizabeth P. Deavers

OPINION AND ORDER

On February 2, 2018, the Magistrate Judge issued an order and report and recommendation ("R&R") recommending that Respondent's motion to dismiss, ECF No. 11, be **GRANTED**, that this action be **DISMISSED** as barred by the one-year statute of limitations provided for under 28 U.S.C. § 2244(d), and denying Petitioner's motion for leave ordering an expansion of the record, ECF No. 12. ECF No. 17. Although the parties were advised of the right to file objections to the Magistrate Judge's R&R, and of the consequences of failing to do so, no objections have been filed.


The R&R, ECF No. 17, is **ADOPTED** and **AFFIRMED**. Respondent's motion to dismiss, ECF No. 11, is **GRANTED**. Petitioner's motion for leave ordering an expansion of the record, ECF No. 12, is **DENIED**. This action is hereby **DISMISSED**.

Petitioner has waived his right to appeal by failing to file objections. See *Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th

Cir. 1981). Therefore, the Court **DECLINES** to issue a certificate of appealability. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that the appeal would not be in good faith and that an application to proceed *in forma pauperis* on appeal should be **DENIED**.

The Clerk is **DIRECTED** to enter final **JUDGMENT**.

IT IS SO ORDERED.


MICHAEL H. WATSON, JUDGE
UNITED STATES DISTRICT COURT